

### III. REMARKS/ARGUMENTS

#### A. Status of the Application

Claims 1 – 34 are pending. Claim 12 is amended. No claims are cancelled. No claims are added. Reconsideration of this application in light of the following remarks is respectfully requested.

#### B. Double Patenting Rejection of Claims 1 – 11 and 18 – 34

Claims 1 – 11 and 18 – 34 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 2, 3, 5, 8 – 12, 13 – 21 of U.S. Patent No. 6,697,738. This rejection is respectfully traversed.

In view of the enclosed Terminal Disclaimer regarding U.S. Patent No. 6,697,738, and the enclosed fee payment regarding same, Applicants respectfully request the withdrawal of the obviousness-type double patenting rejection of claims 1 – 11 and 18 – 34.

#### C. Rejection of Claims 12 – 17 under 35 USC § 102(b)

Claims 12 – 17 stand rejected under 35 USC § 102(b) as being anticipated by a publication by Bosma et al. entitled “Design Approach to Sealant Selection for the Life of the Well”, 1999, SPE 56536 (“Bosma”). This rejection is respectfully traversed.

As amended herein, claim 12 is drawn to a method for selecting a cementing composition intended for use in a subterranean zone penetrated by a well bore. The method includes evaluating a stress state of rock in the subterranean zone penetrated by the well bore and evaluating a stress state associated with the introduction of a cement composition into the well bore. The method further includes determining a hydration stress state of the cement composition in the well bore and determining whether the cementing composition is effective for the intended use by determining whether the cement composition will de-bond from the rock. Claims 13 – 17 each depend directly or indirectly from claim 12, and therefore each includes at least the foregoing elements.

As provided in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim ...”. However, Bosma fails to disclose every element of claims 12 – 17, and therefore Bosma cannot support the present rejection under 35 USC § 102(b).

Bosma describes a method for evaluating sealant integrity that includes evaluating the condition of a borehole at differing rock properties using a borehole stability analysis program. (page 287, 2<sup>nd</sup> col., Example Well section: 2<sup>nd</sup> paragraph). The borehole is determined to be either stable or unstable. The performance of stable and unstable boreholes subjected to high pressure and high temperature loading is evaluated. (page 288, 1<sup>st</sup> col., 1<sup>st</sup> paragraph).

Bosma is devoid of disclosure, motivation or suggestion of a method as set forth in claims 12 – 17. In particular, Bosma fails to disclose, motivate or suggest evaluating a stress state of rock in a well bore, evaluating a stress state associated with the introduction of a cement composition into the well bore, and determining a hydration stress state of the cement composition in the well bore.

As Bosma does not disclose, motivate or suggest all of the elements of claims 12 – 17, Applicants respectfully submit that the present rejection of claims 12 – 17 under 35 USC § 102(b) cannot be maintained, and request that such rejection be withdrawn.

### Conclusion

Claims 1 – 34 are now pending in the present application. In view of the foregoing remarks, allowance of claims 1 – 34 is respectfully requested. The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

Date: Feb. 9, 2005



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